IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

INCOME TAX REFERENCE NO. 175 OF 1988

The Commissioner of Income-tax,
Bombay City-VI, Bombay. ...Applicant
V/s.
Shri H.D. Mehta. ...Respondent

Mr.Ashok Kotangle for Applicant.
None for Respondent.

CORAM : V.C. DAGA AND
A.S. AGUIAR, JJ.
DATED : JULY 5, 2005.

P.C. :-

. By this reference under Section 256(1) of the Income-Tax Act, 1961, the Income Tax Appellate Tribunal has referred the following question of law for the opinion of this Court :-

> "Whether, on the facts and in the circumstances of the case, the Tribunal was justified in holding that the assessee would be entitled to a deduction of 95% of the Sales tax dues of the firm raised during the accounting year when the Tribunal has admitted that the payment is capital in nature ?"

. For the reasons recorded by us in our Judgment

dated 1st July, 2005, passed in Income Tax Reference No.397 of 1988 **(C.I.T. Vs. M/s.Pithwa Engg.Works)**, wherein we have relied upon decision of this Court in the case of **C.I.T. vs. Camco Colour Co. (2002) 254 ITR 565**, we do not think it necessary to answer the reference made to this Court for the Assessment Year 1977-78 having negligible tax effect. Accordingly, reference stands returned unanswered with no order as to costs.

(A.S. AGUIAR, J.) **(V.C. DAGA, J.)**